

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

Nathaniel Gold,

Plaintiff,

v.

Chief Capers Wannamaker, SMPD; Lt.
Andrew Hayes, St. Matthews Police;
Richard Murphy, Ofc SMPD; Edgar
Williams, Ofc SMPD,

Defendants.

C/A No.: 5:11-476-HMH-JRM

**MOTION FOR
RELIEF FROM MEDIATION
REQUIREMENT**

This case was filed *pro se* by Plaintiff Nathaniel Gold (“Gold”) pursuant to 42 U.S.C. §1983. At that time, Gold was a pretrial detainee at the Orangeburg-Calhoun Regional Detention Center, and he filed this action *in forma pauperis* under 28 U.S.C. §1915. On May 27, 2011, Gold filed a document with the Court stating he had been released from the Detention Center and provided his home address to the Court. On June 29, 2011, the Court issued a Scheduling Order requiring, among other things, that the parties complete mediation in this case on or before November 30, 2011.

Defendants hereby petition the Court for relief from the mediation requirement on the grounds that this matter was filed by a pretrial detainee pursuant to 42 U.S.C. §1983. Such cases typically are not subject to the mediation requirement. Upon information and belief, the Plaintiff’s *in forma pauperis* status has not changed and he would be unable to contribute towards the mediator’s compensation, thereby putting an undue burden on the Defendants in paying for the mediator’s services. Moreover, a genuine issue of liability

exists which makes mediation impractical. Further, Defendants hereby notify the Court that they decline to participate in mediation pursuant to Local Civil Rule 16.05.

RILEY POPE & LANEY, LLC

s/Nikole H. Boland

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November 30, 2011